

ANALYSIS OF AMENDED BILL

Franchise Tax Board

Author: Mountjoy Analyst: Kristina E. North Bill Number: AB 2072

Related Bills: None Telephone: 845-6978 Amended Date: April 1, 2002

Attorney: Patrick Kusiak Sponsor: _____

SUBJECT: Open Meetings/Authorizes State Bodies to Hold Closed Sessions Regarding Security

SUMMARY

This bill would allow a state body to hold closed session meetings to discuss threats or potential threats of criminal activity.

SUMMARY OF AMENDMENTS

The April 1, 2002, amendments expanded the bill to include potential threats and facilities that are owned or controlled by the state body as items that may be discussed in a closed meeting.

The February 19, 2002, original bill would have allowed a state body to hold closed session meetings to discuss threats of criminal activity against the state body's personnel, property, buildings, or equipment, including electronic data.

This is the department's first analysis of this bill.

PURPOSE OF THE BILL

It appears that the purpose of this bill is to ensure a state body has privacy to discuss security issues.

EFFECTIVE/OPERATIVE DATE

This bill would become effective January 1, 2003, and would apply to closed sessions held on or after that date.

POSITION

Pending.

FEDERAL/STATE LAW

Under current state law, the Bagley-Keene Open Meeting Act (the "Act") is a set of laws that pertain to all meetings of a multi-member state body. These laws include a requirement that all meetings be open and public. The Act requires that notice of regular meetings of a state body be given to any person who requests the notice in writing and posted on the Internet. Notice and agenda must be provided in writing and posted on the Internet at least 10 days in advance of the meeting and include a contact person to obtain additional information regarding the meeting.

Board Position:

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<input type="checkbox"/> N	<input type="checkbox"/> OUA	<input checked="" type="checkbox"/> PENDING

Department Director

Date

Alan Hunter for GHG

04/22/02

The Act allows a state body to meet in a closed session for specified reasons, including the following:

- ◆ to consider the appointment, employment, performance evaluation, dismissal, or to hear complaints by another person about a public employee, unless the employee requests a public hearing.
- ◆ to consider conferring honorary degrees, gifts, donations, or bequests that a donor has requested be kept confidential.
- ◆ with regard to the Franchise Tax Board, to discuss confidential tax returns or related information that is prohibited from disclosure by law.

THIS BILL

This bill would expand the specified circumstances for which a state body may meet in closed session. A state body would be allowed to discuss in closed session any potential and existing criminal threats to personnel, property, buildings, facilities, or equipment, including electronic data that are owned or controlled by a state body.

IMPLEMENTATION CONSIDERATIONS

Implementing this bill would not significantly impact the department's programs and operations.

OTHER STATES' INFORMATION

A review of the laws of *Illinois, Massachusetts, Minnesota, Michigan, and New York* found generally that while these states allow closed session meetings, most states do not specifically cover closed meetings to discuss potential or existing criminal threats against a state body. These states were reviewed because of the their similarities between California's population and between California and their public meeting laws.

FISCAL IMPACT

This bill would not significantly impact the department's costs.

ECONOMIC IMPACT

This bill would not impact the state's income tax revenue.

LEGISLATIVE STAFF CONTACT

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